

Name of Person Filing Document: \_\_\_\_\_  
Your Address: \_\_\_\_\_  
Your City, State, and Zip Code: \_\_\_\_\_  
Your Telephone Number: \_\_\_\_\_  
Attorney Bar Number (if applicable): \_\_\_\_\_  
Representing ☐ Self (Without an Attorney) OR ☐ Attorney for ☐ Petitioner ☐ Respondent

**SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY**

\_\_\_\_\_  
Name of Petitioner/Plaintiff

Case Number: \_\_\_\_\_

**APPLICATION FOR DEFERRAL  
OF COURT FEES AND/OR COSTS  
AND  
CONSENT TO ENTRY OF JUDGMENT**

\_\_\_\_\_  
Name of Respondent/Defendant

STATE OF ARIZONA            )  
COUNTY OF MARICOPA    ) <sup>ss</sup>

**IMPORTANT**

This ***"Application for Deferral of Court Fees and/or Costs"*** includes a ***"Consent to Entry of Judgment."*** By signing this Consent, you agree a judgment may be entered against you for all fees and costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment. At the conclusion of the case you will receive a Notice of Court Fees and Costs Due indicating how much is owed and what step you must take to avoid a judgment against you if you are still unable to pay. Addition details about this process are discussed in the ***"Consent to Entry of Judgment"*** Section of this Application.

**STATEMENTS MADE TO THE COURT UNDER OATH.** I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

**I am requesting a deferral of the following fees and/or costs in my case:**

- ☐ Any or all of the following: All filing fees, fees for the issuance of either a summons and subpoena, or fees for obtaining one certified copy of a temporary order in a domestic relations case or a final order, judgment or decree in all civil proceedings.
- ☐ Fees for service of process by a sheriff, marshal, constable or local law enforcement agency (fill out separate affidavit form).
- ☐ Fees for service by publication (fill out separate affidavit form).
- ☐ Filing fees and photocopy fees for the preparation of the record on appeal.
- ☐ Court reporter's fees of reporters or transcribers employed by the court for the preparation of the transcript.

The basis for the request is:

1. ☐ **WAIVER:** I am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and unlikely to change in the foreseeable future.

2. ☐ **DEFERRAL:**

A. ☐ **I receive governmental assistance from the state/federal program(s) marked below:**

☐ Temporary Assistance to Needy Families (TANF)

☐ Food Stamps

☐ Supplemental Security Income (SSI)

☐ General Assistance (GA)

If you marked either boxes 1 or 2A, you must complete the Financial Questionnaire. You **MUST** sign in front of the court clerk, if completed in person or a notary public if submitted by mail or a third party. Please be prepared to submit proof that you receive governmental assistance. If you are submitting this application by mail or a third party, please attach a photocopy of that proof.

OR

B. ☐ **My income is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court.**

**NOTE:** To determine whether income is insufficient or barely sufficient, the court will review your income and expenses. Among the factors the court may consider are:

1. Whether your gross income as computed on a monthly basis is 150% or less of the current federal poverty level. Gross monthly income includes your share of community property income if available to you.
2. If your income is greater than 150% of the poverty level, but you have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that the court finds are extraordinary that reduce your gross monthly income to at or below 150% of the poverty level.

OR

C. ☐ **I do not have the money to pay court filing fees and/or costs now. I can pay the filing fees and/or costs at a later date. Explain.** \_\_\_\_\_

If you checked either boxes 2B or 2C, you must complete the Financial Questionnaire. You must sign this application in front of the court clerk or a notary public, if submitted by mail or a third party.

### FINANCIAL QUESTIONNAIRE

**SUPPORT RESPONSIBILITIES:** List all persons you support (including those you pay child support and/or spousal maintenance/support for):

**NAME**

**RELATIONSHIP**

_____	_____
_____	_____
_____	_____

### STATEMENT OF INCOME AND EXPENSES

**ASSISTANCE:** I receive assistance from:

☐ Arizona Health Care Cost Containment System (AHCCCS)

☐ Arizona Long Term Care System (ALTCs)

☐ Other (explain): \_\_\_\_\_

**MONTHLY INCOME:** My monthly income is:

Monthly gross income: \$ \_\_\_\_\_

Employer name: \_\_\_\_\_

Employer address: \_\_\_\_\_

Employed since (month/year): \_\_\_\_\_

Other current monthly income, including spousal maintenance/support, retirement, rental, interest, pensions, scholarships, grants, royalties, lottery winnings (explain amount and source):

\$ \_\_\_\_\_

My spouse's monthly gross income (if available to me):

\$ \_\_\_\_\_

**TOTAL MONTHLY INCOME:**

\$ \_\_\_\_\_

**MONTHLY EXPENSES AND DEBTS:** My monthly expenses and debts are:

	<b>PAYMENT AMOUNT</b>	<b>LOAN BALANCE</b>
Rent/Mortgage payment	\$ _____	\$ _____
Car Payment	\$ _____	\$ _____
Credit Card Payments	\$ _____	\$ _____
Explain:		
Other payments & debts	\$ _____	\$ _____
Explain:		
Food/Household supplies	\$ _____	
Utilities/Telephone	\$ _____	
Clothing	\$ _____	
Medical/Dental/Drugs	\$ _____	
Health Insurance	\$ _____	
Nursing care	\$ _____	
Laundry	\$ _____	
Child Support	\$ _____	
Child Care	\$ _____	
Spousal Maintenance	\$ _____	
Car Insurance	\$ _____	
Gasoline/Bus Fare	\$ _____	
Contributions to Employer or Other Retirement Account	\$ _____	

**TOTAL MONTHLY PAYMENTS**

\$ \_\_\_\_\_

**STATEMENT OF ASSETS:** List only those assets available to you and accessible without financial penalty. Equity is defined as market value minus any liens or loans.

**ESTIMATED VALUE**

Cash and Bank Accounts

\$ \_\_\_\_\_

Credit Union Accounts

\$ \_\_\_\_\_

Equity in:

\$ \_\_\_\_\_

1. Home

\$ \_\_\_\_\_

2. Other property

\$ \_\_\_\_\_

3. Cars/other vehicles

\$ \_\_\_\_\_

Other, including stocks, bonds, etc.

\$ \_\_\_\_\_

Retirement Accounts

\$ \_\_\_\_\_

**TOTAL ASSETS:**

\$ \_\_\_\_\_

**EXTRAORDINARY EXPENSES:** For example, unusual medical needs, financial hardship, costs of care of elderly or disabled family members. (Proof must be submitted.)

DESCRIPTION	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>TOTAL EXTRAORDINARY EXPENSES</b>	<b>\$ _____</b>

**NOTE:** If you receive a deferral and have unpaid fees at the end of your case you will receive a Notice of Court Fees and Costs Due. This is to remind you that you may submit a supplemental application for further deferral or waiver if you believe you need more time to pay or cannot afford to pay your court fees and costs. The court will decide at that time whether or not you must pay. If you do not file a supplemental application, the original deferral order remains in effect and a consent judgment may be entered against you if you do not pay within thirty calendar days after entry of final judgment.

If your case is dismissed for any reason, the fees and costs are still due.

**CONSENT TO ENTRY OF JUDGMENT:** By signing this Application, I agree that a judgment may be entered against me for all fees and/or costs that are deferred but remain unpaid after thirty (30) calendar days after entry of final judgment. Judgment may be entered against me unless any one of the following applies:

- A. Fees and costs are taxed to another party;
- B. I have an established schedule of payments in effect and I am current with those payments;
- C. I filed a supplemental application for waiver of further deferral of fees and costs and a decision by the court is pending;
- D. In response to a supplemental application, the court orders that the fees and costs be waived or further deferred; or
- E. Within twenty days of the date the court denies the supplemental application, I either:
  - 1. Pay the fees and/or costs; or,
  - 2. Request a hearing on the court's order denying waiver or further deferral. If I request a hearing, the court cannot enter the consent judgment unless a hearing is held, waiver or further deferral is denied and payment has not been made within the time prescribed by the court.

If you appeal the final decision in your case, a consent judgment for deferred fees and/or costs that remain unpaid in the lower court shall not be entered until after the appeals process is concluded.

**ACKNOWLEDGMENT AND SIGNATURE UNDER OATH**

Today's Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Your Name: \_\_\_\_\_

SUBSCRIBED AND SWORN or affirmed and acknowledged before me on (date) \_\_\_\_\_

by \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

Judicial Officer, Clerk or Notary Public

## Self-Service Center

### INSTRUCTIONS: HOW TO APPLY FOR A DEFERRAL OR WAIVER OF COURT FEES AND COSTS

1. **WHAT COURT FEES OR COSTS ARE CHARGED?** Arizona law requires the court to charge fees and costs when a court user files certain court papers and/or needs other court services. There are various fees and costs charged for different kinds of cases, depending on what you want or need to do. You can find out the exact fees and costs that are charged for any particular matter by calling the Clerk of the Court at 602-506-6185.

Here are the most common events for which fees and costs are charged:

- † To file a Complaint, Petition, Answer, or Response to a new court case;
- † To file a post-decree Petition or Response in a Family Court case, for example, to enforce or modify a court order for child support, custody, or visitation;
- † For the issuance by the Clerk of Court for a Summons or Subpoena;
- † For service of process or costs of service by publication;
- † To get a copy or a certified copy of any court order or judgment or paperwork;
- † To file an appeal of a case to a higher court;
- † To photocopy court papers for the record on appeal;
- † To pay for court reporter or transcriber fees of court trials or hearings.

2. **WHO PAYS THE COURT FEES AND COSTS?** Usually the person who wants to file a certain court document, or who wants a certain court service, must pay the fees and costs at the time the filing or the service is done. At the end of the court case the judge might order that one or the other party pay all the costs and fees, which means the party who is ordered to do so must pay back the other party who already paid court fees or costs. If you are handling your own court case, be prepared to pay various fees and costs along the way.

3. **WHAT ABOUT A PARTY WHO CANNOT PAY COURT FEES OR COSTS?** Sometimes, for very serious reasons, a party cannot pay court fees and costs at the time of filing court papers or asking for another court service. If this happens, the party can apply for a **DEFERRAL** or **WAIVER** of court costs and fees.

- † A **WAIVER** means that the party does **not** have financial resources to pay now, and will not be able to do so in the future. As a general rule, waivers are only given at the end of a case. The only time you can get a waiver at the beginning of a case is if you are filing for an Order of Protection, or an Injunction Against Harassment.
- † A **DEFERRAL** means that even though the party cannot pay now, he or she may be able to pay in the future. Because you may be able to pay in the future, in most cases, you will get a DEFERRAL rather than a WAIVER, because everyone needs to bear his or her fair share of the court fees and costs. If at the end of your case, you meet the financial criteria and still cannot pay your court fees, you can ask the Court to waive or further defer your court fees and costs.

4. **COURT PAPERWORK FOR A DEFERRAL OR WAIVER OF COURT FEES AND COSTS:**

**A. APPLICATION FOR DEFERRAL OF COURT FEES AND/OR COSTS and CONSENT TO JUDGMENT:**

You must file the Application with the Clerk of the Court. You should know that the **"Application for Deferral of Court Fees and/or Costs"** includes a **"Consent to Entry of Judgment."** By signing this document, you agree that a judgment may be entered against you for all fees and/or costs that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. At the conclusion of the case, you will receive a notice indicating how much is owed and what steps you must take to avoid a judgment against you if you are still unable to pay. In filling out the Application, check the boxes that apply to your situation as follows:

- † Paragraph 1. Check the boxes that tell the court what fees and/or costs you need deferred.
- † Paragraph 2. Read paragraph 2 to see if you receive any governmental assistance. If you do, check the box that applies to your situation and then go directly to the end of the last page and date and sign the Application in front of the clerk or notary public. If you do not receive governmental assistance, go to paragraph 3.
- † Paragraph 3. Check box A or box B and then fill out the Financial Questionnaire. If your financial condition gets better, you must tell the court, so that even if you cannot pay now, you must pay later if you have the money to do so.

**B. AFFIDAVIT IN SUPPORT OF APPLICATION FOR DEFERRAL OR WAIVER OF SERVICE COSTS:** A deferral or waiver of fees to pay the sheriff for personal service, or the newspaper for publication of service, must be applied for separately. To do so, fill out the form described in Section 4(A) above, and the additional court form called Affidavit in Support of Application for Deferral or Waiver of Service Costs. Here are some important points:

- † **For service by the sheriff:** Did you try to ask the other party to voluntarily accept service? If not, you must have a very good reason.
- † **For publication of service:** Why are you publishing instead of using another method of service? This is important, not only to get fees waived or deferred, but because service by publication is only used as a last resort. **BE SURE TO READ THE SELF-SERVICE CENTER INSTRUCTIONS ON SERVICE BEFORE YOU SERVE BY PUBLICATION.** This could save you time, effort, and difficulty!

**C. ORDER FOR DEFERRAL OR WAIVER:** Do not fill out this form except for caption which includes the name of the petitioner/plaintiff, name of the respondent/defendant. The Special Commissioner will fill out this form after he or she has reviewed your application. This form tells you whether your costs have been waived, deferred or denied.

**D. REQUEST FOR HEARING.** Do not fill out this form. Take this form to the court with you when you make your request to have your costs waived or deferred. Use this form only if your application for deferral/waiver has been denied and you want a hearing before the judge to tell the judge why your costs should be deferred or waived.

## 5. HOW DO I APPLY FOR A DEFERRAL?

- A.** Complete the court paperwork for the ***“Application for Deferral of Court Fees and/or Costs”*** and ***“Consent to Entry of Judgment”*** along with the court papers you want to file for whatever court proceeding you are involved with. **DO NOT SIGN** the Application until you get to the Filing Counter if you are hand-delivering the Application to the Clerk of the Court. You will be able to sign the Application at the court, when you go to the Filing Counter and avoid the cost of paying a Notary Public. If you are mailing your Application to the Clerk of the Court, you will need to sign the Application in front of a Notary Public before you mail your application.
- B.** Take the Application and all the other court papers you need to file to the filing counter of the Clerk of Court at the court location where you file the papers. Information on how to know whether to file in the Downtown court location or the Southeast court location in Mesa is contained on the instruction sheets that go with the court papers for the court process you are filing on. **NOTE: IT IS ALWAYS A GOOD IDEA TO COME IN PERSON TO APPLY FOR A DEFERRAL OR WAIVER, UNLESS YOU HAVE A MEDICAL OR OTHER GOOD REASON WHY YOU CANNOT APPEAR IN PERSON.** However, you can mail the application to the Clerk of the Court, 201 West Jefferson, Phoenix, Arizona 85003. The Special Commissioner will review your application, determine if you qualify for a deferral or waiver, and notify you as to whether you qualify for a deferral or waiver.

- C. Give the original Application to the Clerk, and sign the Application in front of the Clerk. The Special Commissioner will usually decide whether to grant the Application or not, depending on the information in the Application. Sometimes the paperwork is sent to a judge to review and decide. Ask the Special Commissioner if you are unsure.
  - D. If the Application is granted, file the court papers for the court process you are involved with. If the Application is denied, pay the fee or costs. If you do not agree with the Court's decision, you can request a hearing in front of a Judge. Use the form Request for Hearing and Order in your packet.
  - E. If the Deferral or Waiver is for Personal Service by the sheriff, take the papers that need to be served, along with a copy of the Order of Deferral or Waiver, to the sheriff. Instructions on how to do this are contained on the help sheet that is in the packet on service of process.
  - F. If the Deferral or Waiver is for Publication, follow the instructions that are contained on the help sheet that is in the packet on service of process.
  - G. **REMINDER.** If you still cannot pay the fees and costs at the end of the case, and believe you should receive a waiver or further deferral (payment schedule), you must file a ***"Supplemental Application"*** at the end of the case, or a Consent Judgment will be entered against you. You will receive instructions on how to do this at the end of the case.
6. **OTHER HELP.** If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "Attorneys." Also, the Self-Service Center has a list of lawyers who will help you help yourself. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is. Visit the Self-Service Center at the court or on the Internet at <http://www.superiorcourt.maricopa.gov/ssc/sschome.html> to get the names of some of the lawyers on this list.

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS  
ARE AVAILABLE AT THE SELF-SERVICE CENTER.**

**SELF SERVICE CENTER**

**DEFERRAL OF FEES AND/OR COSTS  
IN DOMESTIC RELATIONS, JUVENILE, TAX,  
MENTAL HEALTH AND/OR  
CIVIL CASES**

**How to assemble these documents**

This packet contains court forms and instructions about deferral of fees and/or costs in domestic relations, juvenile, tax, mental health and/or civil cases. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	GNF1t	Table of forms/instructions in this packet	1
2	GNF1k	Checklist: Fee Waiver and/or Deferral	1
3	GNF11h	Instructions: How to Apply For Waiver or Deferral of Court Fees and Costs	3
4	GNF11f	<b><i>“Application for Deferral or Waiver of Court Fees and Costs and Consent to Entry of Judgment”</i></b>	4
5	GNF18f	<b><i>“Order Regarding Deferral or Waiver of Court Fees and Costs and Notice Regarding Consent Judgment”</i></b>	3
6	GNF21f	<b><i>“Affidavit in Support of Application for Deferral or Waiver of Service of Process Costs”</i></b>	2
7	GNF31f	<b><i>“Request and Order for Hearing”</i></b>	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.



**SELF SERVICE CENTER  
FEE WAIVER AND/OR DEFERRAL**

**CHECKLIST**

**Use the forms and instructions in this packet ONLY if the following factors apply to your situation:**

- † You believe you can have your court fees and/or costs deferred or postponed, **AND**
- † Your case is a domestic relations/family court case, a civil case, a juvenile case, a tax case, or a mental health case, **AND**
- † A judge or special commissioner has **not** previously signed an Order deferring or postponing the fees and/or costs that you want the court to now defer or postpone.

**READ ME:** It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.